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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER	
TEKLE, DANIEL T	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/046,852	MATOBA ET AL.	
	Examiner	Art Unit	
	Daniel Tekle	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *06/21/04; 06/20/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-5,9,23-27 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa (U.S. 7003213).

Regarding Claim 1: Hasegawa discloses, a method of selecting a program which meets a user's taste from broadcast programs and recording the selected program in automatic broadcast recording apparatus in a system having a server and the automatic broadcast recording apparatus, comprising the steps of: at a server: disclosing timer recording pattern information for recording programs recommended by an opinion leader who serves to recommend the programs to be appreciated to the user **(column 7 lines 47-54)**; at each of automatic broadcast recording apparatus: acquiring timer recording pattern information of the opinion leader selected by user **(column 4 lines 40-44)**; setting timer recording for a program determined by timer recording pattern information **(column 7 lines 35-37)**; and receiving the program set for timer recording and recording the received program **(column 7 lines 37-43)**.

Regarding Claim 2-3: Hasegawa discloses, broadcast programs include video data and audio data **(column 1 lines 5-10)**.

Regarding Claim 4: Hasegawa discloses, a method according to claim 1, further comprising the step of: acquiring program information including identification codes of the broadcast programs and broadcasting dates and times thereof at each of automatic broadcast recording apparatus **(column 5 lines 13-18)**; wherein timer recording pattern information includes identification codes of the programs recommended by opinion leader **(column 5 lines 13-18)**; and wherein step of setting timer recording for a program determined by timer recording pattern information at each of automatic broadcast recording apparatus includes the step of selecting the program from program information **(column 5 lines 28-44)**.

Regarding Claim 5: Hasegawa discloses, a method according to claim 1, wherein timer recording pattern information includes start-of-program times and end-of-program times of the programs recommended by the opinion leader **(column 5 lines 13-18)**; and wherein the step of setting timer recording for a program determined by timer recording pattern information at each of automatic broadcast recording apparatus includes the step of selecting the program from the start-of-program time and end-of-program time thereof **(column 7 lines 44-54)**.

Regarding Claim 9: Hasegawa discloses a method according to claim 4, further comprising the steps of: at each of automatic broadcast recording apparatus: confirming the broadcasting date and time of a program to be recorded from program information when the program information is acquired, and correcting the broadcasting

date and time if the broadcasting date and time have been changed **(column 4 lines 64-67)**.

Regarding claims 23: Claim 23 is rejected for the same subject matter as claims 1.

Regarding claims 24: Claim 24 is rejected for the same subject matter as claims 2.

Regarding claims 25: Claim 25 is rejected for the same subject matter as claims 3.

Regarding claims 26: Claim 26 is rejected for the same subject matter as claims 4.

Regarding claims 27: Claim 27 is rejected for the same subject matter as claims 5.

Regarding claims 31: Claim 31 is rejected for the same subject matter as claims 9.

Claim 10-22 and 32-48 rejected under 35 U.S.C. 102(e) as being anticipated by Finseth et al. (US 6813775).

Regarding Claim 10: Finseth et al. discloses, a method of accumulating programs which meet a user's taste in a system having a server and automatic broadcast recording apparatus by recording broadcast programs in the automatic broadcast recording apparatus, comprising the steps of: at each of automatic broadcast recording apparatus: sending information of playback statuses of recorded programs to server **(column 11 lines 57-67 and column 12 lines 1-5)**; at server: collecting information of each program sent from each of automatic broadcast recording apparatus of respective users, and calculating a taste level indicative of how much each program meets the user's taste **(column 11 lines 64-67 and column 12 lines 1-5)**; sending taste level to each of automatic broadcast recording apparatus of respective users **(column 11 line 67 and column 12 lines1-2)**; and at each of automatic broadcast recording apparatus:

deleting recorded programs successively from programs of lower taste levels **(column 12 lines 1-5)**.

Regarding Claim 11-12: Finseth et al. discloses a method according to claim 10, wherein information includes information of whether each of the recorded programs has been played back to its "end or not" and "deleted or not" **(column 10 lines 48-63)**.

Regarding Claim 13: Finseth et al. discloses a method of accumulating programs which meet a user's taste by recording broadcast programs in a system having a server and automatic broadcast recording apparatus, comprising the steps of: at each of automatic broadcast recording apparatus: sending information of playback statuses of recorded programs to server **(column 11 lines 57-67 and column 12 lines 1-5);** at server: collecting information of each program sent from each of automatic broadcast recording apparatus of respective users, and calculating a taste level indicative of how much each program meets the user's taste **(column 11 lines 57-67 and column 12 lines 1-5)**; sending taste level to each of automatic broadcast recording apparatus of respective users **(column 11 lines 64-67 and column 12 lines 1-5)**; at each of automatic broadcast recording apparatus: if a program recorded in the past needs to be deleted in order to record a new program, comparing a predetermined taste level given to new program with the taste level of the program recorded in the past **(column 10 lines 48-53)**; if there is a program whose taste level is lower than new program among programs recorded in the past, deleting the program whose taste level is lower than new program, and recording the new program **(column 10 lines 53-63)**; and if

there is no program whose taste level is lower than new program among programs recorded in the past, stopping recording new program **(column 12 lines 3-5)**.

Regarding Claim 14-15: Finseth et al. discloses a method according to claim 13, wherein information includes information of whether each of the recorded programs has been played back to its "end or not" and "deleted or not" **(column 10 lines 48-63)**.

Regarding Claim 16: Finseth et al. discloses a method of accumulating programs which meet a user's taste in a system having a server and automatic broadcast recording apparatus, comprising the steps of: at each of automatic broadcast recording apparatus: sending information of playback statuses of recorded programs to server **(column 11 lines 57-67 and column 12 lines 1-5)**; at server: collecting information of each program sent from each of automatic broadcast recording apparatus of respective users in each of groups of users having similar appreciating histories, and calculating, in each of groups, a taste level indicative of how much each program meets the user's taste **(column 11 lines 57-67 and column 12 lines 1-5)**; sending taste level to each of automatic broadcast recording apparatus of the users belonging to the respective groups **(column 11 lines 64-67 and column 12 lines 1-5)**; and at each of automatic broadcast recording apparatus: deleting recorded programs successively from programs of lower taste levels **(column 10 lines 53-63)**.

Regarding Claim 17-18: Finseth et al. discloses a method according to claim 16, wherein information includes information of whether each of the recorded programs has been played back to its "end or not" and "deleted or not" **(column 10 lines 48-63)**.

Regarding Claim 19: Finseth et al. discloses a method of accumulating programs which meet a users taste in a system having a server and automatic broadcast recording apparatus, comprising the steps of: at each of automatic broadcast recording apparatus: sending information of playback statuses of recorded programs to server **(column 11 lines 57-67 and column 12 lines 1-5)**; at server: collecting information of each program sent from each of automatic broadcast recording apparatus of respective users in each of groups of users having similar appreciating histories, and calculating, in each of groups, a taste level indicative of how much each program meets the user's taste **(column 11 lines 57-67 and column 12 lines 1-5)**; sending taste level to each of automatic broadcast recording apparatus of the users belonging to the respective groups **(column 11 lines 64-67 and column 12 lines 1-5)**; and at each of automatic broadcast recording apparatus: if a program recorded in the past needs to be deleted in order to record a new program, comparing a predetermined taste level given to new program with the taste level of the program recorded in the past **(column 10 lines 13-24)**; if there is a program whose taste level is lower than new program among programs recorded in the past, deleting the program whose taste level is lower than new program, and recording the new program **(column 10 lines 53-63)**; and if there is no program whose taste level is lower than new program among programs recorded in the past, stopping recording new program **(column 10 lines 53-59)**.

Regarding Claim 20-21: Finseth et al. discloses a method according to claim 19, wherein information includes information of whether each of the recorded programs has been played back to its "end or not" and "deleted or not" **(column 10 lines 48-63)**.

Regarding Claim 22: Finseth et al. discloses a method of selecting a program which meets a user's taste from broadcast programs and recording the selected program in automatic broadcast recording apparatus in a system having a server and the automatic broadcast recording apparatus, comprising the steps of: at server: disclosing timer recording pattern information for recording programs selected according to respective predetermined selecting standards from the broadcast programs **(column 11 lines 49-50)**; at each of automatic broadcast recording apparatus: acquiring timer recording pattern information selected by user **(column 11 lines 54-56)**; setting timer recording for a program determined by timer recording pattern information **(column 11 lines 54-56)**; and receiving the program set for timer recording and recording the received program **(column 11 lines 54-56)**.

Regarding claims 32: Claim 32 is rejected for the same subject matter as claims 10.

Regarding claims 33: Claim 33 is rejected for the same subject matter as claims 11.

Regarding claims 34: Claim 34 is rejected for the same subject matter as claims 12.

Regarding claims 35: Claim 35 is rejected for the same subject matter as claims 13.

Regarding claims 36: Claim 36 is rejected for the same subject matter as claims 14.

Regarding claims 37: Claim 37 is rejected for the same subject matter as claims 15.

Regarding claims 38: Claim 38 is rejected for the same subject matter as claims 22.

Regarding Claim 39: Finseth et al. discloses a computer program for enabling a computer to perform a process of providing a user with information to select a program which meets the user's taste, comprising: an instruction set for disclosing a web page through a communication network **(column 7 lines 44-48)**; an instruction set for storing,

in a memory, timer recording pattern information for recording programs recommended by an opinion leader who serves to recommend the programs to be appreciated to the user **(column 10 lines 48-63)**; and an instruction set for displaying the timer recording pattern information on web page for each opinion leader **(column 10 lines 59-63)**.

Regarding Claim 40-41: Finseth et al. discloses a computer program according to claim 39, wherein timer recording pattern information includes identification codes and "start-of-program times and end-of-program" of the programs recommended by opinion leader **(column 10 lines 48-63)**.

Regarding claims 42: Claim 42 is rejected for the same subject matter as claims 16.

Regarding claims 43: Claim 43 is rejected for the same subject matter as claims 17.

Regarding claims 44: Claim 44 is rejected for the same subject matter as claims 18.

Regarding claims 45: Claim 45 is rejected for the same subject matter as claims 19.

Regarding claims 46: Claim 46 is rejected for the same subject matter as claims 20.

Regarding claims 47: Claim 47 is rejected for the same subject matter as claims 21.

Regarding Claim 48: Finseth et al. discloses a computer program for enabling a computer to perform a process of providing a user with information to select a program which meets the user's taste, comprising: an instruction set for disclosing a web page through a communication network **(column 7 lines 44-48)**; an instruction set for storing, in a memory, timer recording pattern information for the user to record programs selected according to respective predetermined selecting standards **(column 10 lines 48-63)**; and an instruction set for displaying each timer recording pattern information on web page **(column 10 lines 59-63)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 6-8 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 7003213) as applied to claim 1-5 above, and further in view of Finseth et al (US 6813775).

Regarding Claim 6: Hasegawa discloses all the features of the instant invention as discussed in claim 1 above except that the steps of: at each of automatic broadcast recording apparatus: recording a playback history including information of whether the recorded program is played back or not; and selecting an opinion leader who meets the user's taste based on playback history.

However Finseth et al. teaches a method of maintaining viewer preference profile using a CPU of receiver preferably keeps track of the amount of time each TV program is watched using clock and stores the times in the selection history table **(column 10 lines 50-53)**.

It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the method for sharing viewing preferences of as taught by Finseth et al. in to Hasegawa system in order to share viewer preference information.

Regarding Claim 7: See the teaching of Finseth et al. and Hasegawa above. In addition Finseth et al. discloses the steps of: recording a timer recording history including information of programs set for timer recording **(column 10 lines 50-53)**; and selecting an opinion leader who meets the user's taste based on timer recording history **(column 10 lines 64-66)**.

Regarding Claim 8: See the teaching of Finseth et al. and Hasegawa above. In addition Finseth et al. discloses further comprising the steps of: at each of automatic broadcast recording apparatus: recording a recording history including information of recorded programs; and selecting an opinion leader who meets the user's taste based on recording history **(column 11 lines 43-56)**.

Regarding claims 28: Claim 28 is rejected for the same subject matter as claims 6.

Regarding claims 29: Claim 29 is rejected for the same subject matter as claims 7.

Regarding claims 30: Claim 30 is rejected for the same subject matter as claims 8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel Tekle
Patent Examiner

THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600